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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,994

05/11/2006

Ralph Gronau

AP 10812

5119

52203 7590 09/08/2008

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EXAMINER

PHAN, HAU VAN

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

09/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,994	<b>Applicant(s)</b> GRONAU ET AL.	
	<b>Examiner</b> Hau V. Phan	<b>Art Unit</b> 3618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/11/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 5/11/2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiland et al. (2005/0004753).**

Weiland et al. in figures 1-3 and 6, disclose a method of operating a motor vehicle cruise control system (44). The method comprises following steps of determining a possibility or a necessity that a driver of a vehicle takes over vehicle control in the immediate future; and indicating to the driver that a take-over is imminent in the immediate future when the possibility or necessity of a take-over of vehicle control by the driver is detected. The control system includes sensors (48) to alert driver to engage vehicle's brake. For example, a curve warning or obstacle avoidance, when the driver presses on the brake, the control system will cancel the cruise control and the driver will take over of the vehicle.

Regarding claim 11, Weiland et al. disclose vehicle navigation systems (51), which are taken into consideration in order to determine the possibility or necessity of a take-over of vehicle control by the driver.

Regarding claim 12, Weiland et al. disclose a vehicle navigation system and an adaptive cruise control system take care of linking data.

Regarding claim 13, Weiland et al. disclose a change of direction, which is determined as the imminent action that will require the driver take over control of the vehicle, and a speed predetermined by the driver is not taken into account as a command variable for engine torque or brake torque requirement.

Regarding claim 14, Weiland et al. disclose an impending change of direction that is detected which requires the attention of the driver is a turning maneuver, a special control mode is triggered that reduces a speed of the vehicle by a slow engine torque reduction.

Regarding claim 15, Weiland et al. disclose an impending change of direction that is detected which requires the attention of the driver is a turning maneuver, an automatic braking will be performed that does not exceed a value of  $-0.1\text{ g}$  approximately, depending on a vehicle speed and a distance from a point where a significant change of direction shall take place.

Regarding claim 16, Weiland et al. disclose an impending change of direction that is detected which requires the attention of the driver is a turning maneuver, automatic braking will be performed that slows the vehicle down to a speed assigned to a current roadway, such as a motor highway or a country road, or achieves a reduction of vehicle speed which is noticeable to the driver, depending on the vehicle speed and a distance from a point where a significant change of direction shall take place.

Regarding claim 17, Weiland et al. disclose a possibility or a necessity that a driver of a vehicle takes over vehicle control in the immediate future is determined when the possibility or necessity of take-over is impending within a period of 15 seconds (sec.) up to 140 seconds.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hau V Phan/  
Primary Examiner, Art Unit 3618